

Filed in Lancaster District Court
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IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

KODY L. DANCER AND MEGAN)	Case No.
DANCER, husband and wife)	
)	
Plaintiff,)	
CASH-WA DISTRIBUTING CO OF)	COMPLAINT AND PRAECIPE
KEARNEY)	(Personal injury- negligence)
Third Party Plaintiff)	
)	
vs.)	
)	
SWIFT TRANSPORTATION CO. OF)	
ARIZONA, LLC f/k/a SWIFT)	
TRANSPORTATION CO., INC., and)	
ESTEBAN D. BAUTISTA and)	
)	
Defendants.)	

COMES NOW plaintiff and alleges:

1. Parties
 - A. Plaintiff is a resident of Paxton, Keith County, Nebraska.
 - B. Third Party Plaintiff Cash-Wa Distribution Co of Kearney, is a corporation with its principle place of business as PO BOX 309, Kearney, NE 68848.
 - C. Defendant Swift Transportation Co. is an Arizona, LLC f/k/a Swift Transportation Co., Inc. is a limited liability company that conducts business nationally.
 - D. Defendant Esteban D. Bautista is a resident of Kennewick, Benton County, Washington

2. The incident that is the subject of this action occurred on west-bound Interstate 80, near Highway 80 in Nebraska.

3. On or about September 10, 2015 plaintiff was a passenger in a motor vehicle that collided with a motor vehicle driven by defendant. As a result of said collision, plaintiff was injured and damaged as hereinafter set forth.

4. Plaintiff's permanent injuries include right shoulder and were proximately caused by Defendants' negligence insofar as those injuries:

- A. would not have occurred but for Defendants' negligence;
- B. are the natural, probable and reasonably foreseeable consequence of Defendants' negligence.

5. As a proximate result of defendants' negligence, plaintiff was damaged as follows:

- A. Plaintiff incurred medical expenses and will incur future medical expenses;
- B. Plaintiff lost income/ wages;
- C. Plaintiff will lose income and will have a loss of earning capacity in the future;
- D. Plaintiff has permanent injuries;
- E. Plaintiff has suffered pain, suffering, and mental anguish, past and future, and is entitled to future damages;
- F. Plaintiff suffers disability as a result of the collision;
- G. Plaintiff has suffered inconvenience and a loss of enjoyment of life and will do so in the future.

WHEREFORE, plaintiff prays for judgment against defendant for special damages, general damages, and costs.

SECOND CAUSE OF ACTION

6. Plaintiff, Megan Dancer, incorporates paragraphs 1 through 6 herein by reference.

7. That as a proximate result of the negligence of Defendants as aforesaid, Plaintiff, Megan Dancer, lost the comfort, society and consortium of Plaintiff, Kody Dancer, and is entitled to general damages.

WHEREFORE, Plaintiff, Megan Dancer, prays for judgment on the Second Cause of Action against Defendants for general damages and costs.

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s/Stephen A. Sael
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PRAECIPE

TO CLERK OF SAID COURT:

Please issue summons to defendant:

Esteban D Bautista
7701 West 4th Ave
Kennewick, WA 99336

Swift Transportation Co. of Arizona, LLC f/k/a
Swift Transportation Co., Inc.
c/o National Registered Agents
160 Greentree Drive #101
Dover, DE 19904

Service will be made by certified mail.

/s/Daniel H. Friedman
/s/Stephen A. Sael
Attorney(s) for Plaintiff